# Washington State Department of Transportation ESA Update April 2, 2001

### IN THIS ISSUE:

#### Items of Interest

- Traffic Lights Found to Hinder Salmon Fry Migrations on Cedar River
- FHWA and FRA, and WSDOT Preparing EIS for Washington Railroad Project
- Next Meetings Identified to Address Stormwater Regulatory Issues

Transportation Project Delivery Status

### Items of Interest

#### Traffic Lights Found to Hinder Salmon Fry Migrations on Cedar River

Lights set up along a pedestrian trail near I-405 in Maple Valley were found to confuse migrating Sockeye salmon fry. The fry prefer to travel at night through deep dark water where there is less chance of experiencing predation by adult trout and sculpin. Due to a large reduction in fry migrations along the Cedar River a WDFW biologist investigated the problem and deduced that the lights were causing the fry to think it was still daylight. Thinking this way, the Sockeye fry were pooling in shallow water where they were easily available to predators.

A WSDOT biologist from the northwest region was put in charge of alleviating the fish confusion. Rather than spending large sums of money to retrofit the pedestrian trail lights- a project that would involve drilling over an environmentally sensitive river- the biologist determined that simple blinders would do. With the help of two northwest region traffic signal technicians, the lights were fitted with custom blinders that appear to be effective in eliminating the light pollution and at a cost of less than \$100! Although the Sockeye are not currently listed under the ESA in Cedar River, the effort is a wise preventative action. The effort shows how research, concern, awareness, and small actions can save WSDOT from large and complicated future obligations due to species becoming listed. For further information contact Kurt Schleichert at (206) 764- 4250 or Gary Davis at (206) 440-4805

#### FHWA and FRA, and WSDOT Preparing EIS for Washington Railroad Project

The Federal Highway Administration (FHWA) and the Federal Railroad Administration (FRA), in coordination with WSDOT, are planning on expanding railroad capacity in an effort to develop high-speed, intercity passenger service. On October 22, 1992, the U.S. Department of Transportation designated the existing rail corridor from Eugene, Oregon through Portland, Oregon and Seattle, Washington to Vancouver, British Columbia in Canada as a high-speed rail corridor pursuant to section 1010 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). Proposed improvements include: additional tracks and associated roadbed, drainage structures, signal systems, and other related facilities. For phase one of the long-term plan to develop high-speed, intercity passenger service along the corridor, the WSDOT proposes to improve the Burlington Northern Santa Fe mainline between the City of Kelso and Martin's Bluff (south of Kalama, Washington).

On March 28, 2001 in Kalama and on March 29, 2001 in Kelso, public scoping meetings were held that included presentations by the agencies about the scope of the project and an opportunity for the public and agency representatives to ask questions and provide comments and suggestions regarding the project and relevant environmental considerations. The comments made at these scoping meetings will be considered in preparation of the scope of the Draft Environmental Impact Statement along with subsequent comments submitted by April 30, 2001

"Following the completion of the scoping process the agencies will initiate appropriate environmental and related studies. Following completion of the environmental analysis, the agencies will issue a draft environmental impact statement which will be circulated for public and agency comment." –Federal Register, April 2, 2001.

For additional information contact Gary Hughes of the FHWA at (360) 753-9025, David Valenstein of the FRA at (202) 493-6368, or James Slakey of the WSDOT at (360) 705-7920

#### **Next Meetings Identified to Address Stormwater Regulatory Issues**

The issue of stormwater is greatly complicated by the effects of stormwater on listed fish species in Washington State. In order to push forward through the gridlock that the issue of stormwater currently finds itself in, WSDOT has assessed the meetings that will need to take place in the near future:

- 1. An internal meeting of WSDOT technical folks to review our comments to the Department of Ecology (ECY) on the Revised Manual to identify issues that, if not addressed, will be escalated in conflict management. April 3
- 2. Meet with Ecology Manager to obtain formal concurrence for the phase in schedule of the design standards. April 4
- 3. Meet with technical staff from US Fish and Wildlife Service, Washington Department of Fish and Wildlife, and ECY to discuss the draft stormwater effects matrix and supporting information. The National Marine Fisheries Service (NMFS) is unable to attend this meeting and we will reschedule with them for a future date. April 4
- 5. Sound Transit staff is arranging a next steps meeting on the Stormwater Hydraulic Project Approval Programmatic and will be advancing an interim practicability analysis.
- 6. The follow up meeting to WSDOT's practicability workshop will be scheduled. The minutes from the previous meeting are in final review and will be distributed shortly.
- 7. EAO will continue our periodic coordination meetings on stormwater, if you have concerns that you feel are not being addressed, please contact Leni Oman 360-705-7477, omanl@wsdot.wa.gov or Paul Pickett 360-705-7493, picketp@wsdot.wa.gov
- 8) Al King will meet with the Highways and Local Programs Environmental Issues Committee to review the draft stormwater products and plan.

Below is a brief tally of the current status for the Biological Assessments (BA) of various projects submitted since April 1999:

A.	Total Number of WSDOT Projects Submitted to NMFS:	489
	Total given concurrence:	
	Number of "No Effect" Projects (No NMFS Concurrence Required):	253
	Projects in Review/Pending Review or Additional Information:	082
	Formal BAs:	011
	1. Total Individual WSDOT BAs Submitted	386
	BAs with Concurrence:	99
	Projects in Review:	12
	Projects Pending Review:	30
	Projects Waiting for Additional Information:	21
	"No Effect" Projects:	213
	Formal BAs Pending Additional Information:	6
	Formal BAs Pending NFMS Review:	5
	2. Total WSDOT 7(d) Projects Submitted to NMFS:	62
	Projects with Concurrence:	36
	Projects in Review:	6
	Projects Pending Review:	1
	Projects Waiting for Additional Information:	3
	"No Effect" Projects on the 7(d) list:	16
	3. Total # of WSDOT Projects in the three Batched Paver BAs Submitted:	26
	Projects with Concurrence:	2
	"No Effect" Projects in the Batched Paver BA Submitted:	24
	4. Total # of Projects in the Batched Bridge Scour BA In Review	15
	Projects with Concurrence:	6
	Projects Pending Review:	9
	"No Effect" Projects on the Batched Bridge Scour BA:	0
B.	Total Highways and Local Programs Projects:	450
	"No Effect" Projects (no NMFS Concurrence required):	347
	Projects with NMFS Concurrence (NLTA or Adversely Effect):	62
	Projects in Review at NMFS:	33
	Projects in Formal Consultation:	8
	BA Reviews Waiting for Additional Information	0
C.	Total Washington State Ferry Project BAs Submitted	18
	"No Effect" Projects (no NMFS Concurrence required):	5
	Projects with NMFS Concurrence (NLTA or Adversely Effect):	12
	Projects in Review at NMFS:	1
	Projects in Formal Consultation:	0

Visit <a href="http://www.wsdot.wa.gov/eesc/environmental/programs/biology/esa\_weekly/esaweekly.htm">http://www.wsdot.wa.gov/eesc/environmental/programs/biology/esa\_weekly/esaweekly.htm</a> for an online copy of WSDOT's ESA Update. Contact Noah Herlocker at 360-705-7488 or Leni Oman at 360-705-7477 with questions, comments, concerns, or to submit information for inclusion in this newsletter.

# Washington State Department of Transportation ESA Update April 16, 2001

#### IN THIS ISSUE:

#### Items of Interest

- ESA Compliance Project Priority Matrix Update
- Amendment to WSDOT Strategic Plan for 1998-2001
- WSDOT ESA Activities Displayed for Earth Day in Lobby at Headquarters (OSC)

#### Transportation Project Delivery Status

### Items of Interest

#### **ESA Compliance Project Priority Matrix Update**

The Environmental Affairs Office (EAO) has been working with the Office of Information Technology (IT), formerly MIS, to develop an online version of the ESA project priority matrix using the Microsoft Access® database program. The new database will simplify the data entry process by allowing real-time entry of data over the internet. The data will still be subjected to the same scrutiny as it currently is but it will not need to be repeatedly entered. Also, the matrix will become constantly available to anyone who needs to see the most recent changes- changes that will be visible to all as soon as they are entered by the regions and proofed at headquarters.

The new database is the first phase in the development of the Environmental Permitting and Compliance System (EPCS). The proposed EPCS will maintain and track environmental information regarding proposed, active, and completed transportation projects and maintenance activities. This system will provide data to assess transportation's current environmental documentation, permit, compliance, stormwater management, ESA, mitigation and policy activities on a watershed basis.

Deployment of the new ESA matrix is currently scheduled for June. Regional training for use of the new matrix is anticipated to occur in mid May. For more information on the conversion of the ESA matrix or training for the new Access® matrix contact Noah Herlocker at (360) 705-7488 or <a href="mailto:herloch@wsdot.wa.gov">herloch@wsdot.wa.gov</a>. For further information on the proposed EPCS contact Gregor Myhr at (360) 705-7487 or <a href="maybrg@wsdot.wa.gov">myhrg@wsdot.wa.gov</a>.

#### Amendment to WSDOT Strategic Plan for 1998-2001

The WSDOT Strategic Plan was recently amended. The new language is included in Section III, the "Employee Operating Guidelines", Item C. "Stewardship" and states:

"5. We protect the environment."

The purpose of this Addendum is to formalize the department's commitment to environmental stewardship. The amendment was signed by Secretary Morrison on March 22.

The addendum was not driven from internal or external changes, but rather from recognition that the current practice regarding environmental stewardship was inadvertently omitted from the Plan as originally drafted and adopted.

This operating guideline clarifies the responsibility for all employees to avoid environmental impact where possible and to support and uphold environmental processes and commitments entered into by the agency. This is critically important as we enter into more programmatic agreements that try to bring predictability to project development, construction and maintenance processes.

#### WSDOT ESA Activities Displayed for Earth Day in Lobby at Headquarters (OSC)

In celebration of Earth Day, the EAO will be displaying posters of some WSDOT environmental activities in the first floor lobby of the Olympia Service Center (OSC) during the weeks of April 16- 20 and 23-27. The display intends to promote environmental awareness. Several issues and activities that are central to the environmental goals of WSDOT have direct or partial connection to ESA- in particular to fish and fish habitat protection and recovery. Examples include efforts to protect water quality from the effects of erosion or to treat stormwater prior to contact with sensitive water bodies.

In addition to the poster displays, the first floor lobby of OSC will feature information on local earth day events and activities, opportunities for involvement with local environmental interest groups, a short, looped video of activities including salmon restoration and hazard tree removal, the new Environmental Affairs Office brochure, and innovative ways to easily conserve natural resources. One more lunchtime presentation will also be offered:

• Tuesday, April 24, in the Large Commission Board Room from 12 to 1 PM, all are invited to share free cookies and hear a brief overview of the agency's environmental accomplishments followed by a talk entitled "Stormwater Mitigation at the Watershed Scale".

For further information contact Noah Herlocker at: (360) 705-7488 or herlocn@wsdot.wa.gov

Below is a brief tally of the current status for the Biological Assessments (BA) of various projects submitted since April 1999:

A.	Total Number of WSDOT Projects Submitted to NMFS:	546
	Total given concurrence:	143
	Number of "No Effect" Projects (No NMFS Concurrence Required):	310
	Projects in Review/Pending Review or Additional Information:	082
	Formal BAs:	011
	1. Total Individual WSDOT BAs Submitted	443
	BAs with Concurrence:	99
	Projects in Review:	12
	Projects Pending Review:	30
	Projects Waiting for Additional Information:	21
	"No Effect" Projects:	270
	Formal BAs Pending Additional Information:	6
	Formal BAs Pending NFMS Review:	5
	2. Total WSDOT 7(d) Projects Submitted to NMFS:	62
	Projects with Concurrence:	36
	Projects in Review:	6
	Projects Pending Review:	1
	Projects Waiting for Additional Information:	3
	"No Effect" Projects on the 7(d) list:	16
	3. Total # of WSDOT Projects in the three Batched Paver BAs Submitted:	26
	Projects with Concurrence:	2
	"No Effect" Projects in the Batched Paver BA Submitted:	24
	4. Total # of Projects in the Batched Bridge Scour BA In Review	15
	Projects with Concurrence:	6
	Projects Pending Review:	9
	"No Effect" Projects on the Batched Bridge Scour BA:	0
В.	Total Highways and Local Programs Projects:	450
	"No Effect" Projects (no NMFS Concurrence required):	347
	Projects with NMFS Concurrence (NLTA or Adversely Effect):	62
	Projects in Review at NMFS:	33
	Projects in Formal Consultation:	8
	BA Reviews Waiting for Additional Information	0
C. T	otal Washington State Ferry Project BAs Submitted	18
	"No Effect" Projects (no NMFS Concurrence required):	5
	Projects with NMFS Concurrence (NLTA or Adversely Effect):	12
	Projects in Review at NMFS:	1
	Projects in Formal Consultation:	0

Visit <a href="http://www.wsdot.wa.gov/eesc/environmental/programs/biology/esa-weekly/esaweekly.htm">http://www.wsdot.wa.gov/eesc/environmental/programs/biology/esa-weekly/esaweekly.htm</a> for an online copy of WSDOT's ESA Update. Contact Noah Herlocker at 360-705-7488 or Leni Oman at 360-705-7477 with questions, comments, concerns, or to submit information for inclusion in this newsletter.

# Washington State Department of Transportation ESA Update May 2, 2001

#### IN THIS ISSUE:

#### Items of Interest

- Olympic Region Offers Perspective on IL 4020 regarding 140% Rule
- WDFW Has New Online Fish and Wildlife Science Magazine

#### Meetings Held

- Interagency Programmatic Meeting held on April 23, 2001
- Meeting Held Regarding Eastern WA Stormwater Manual Contract
- JCAG Hosts a Guidance on Watershed Assessment Meeting
- H&LP Environmental Issues Committee Informed of Recent Changes in Stormwater Guidance

### Transportation Project Delivery Status

Editor's Note: The last issue of the ESA Update included the title for a story that was not included. It is included within this issue. I thank the readers who pointed out the error – it is nice to know how thoroughly the Update is read. I apologize for my last minute editing which resulted in the error and confusion. – Leni Oman

### Items of Interest

### **39** Olympic Region Offers Perspective on IL 4020 regarding 140% Rule

If you ask a group of WSDOT designers how many have heard of the "140% rule", almost everybody answers in the affirmative. While it is a positive step forward for the department to have people thinking about doing more to design an environmentally sensitive transportation system, the perception that this is a 'rule' creates improper expectations and assumptions.

The accurate interpretation can be found in Instructional Letter (IL) 4020.00 (Endangered Species Act (ESA) §7(d) Project List and Stormwater Effects Guidance). The stated purpose of the IL is "...to provide interim guidance on making *effect determinations* for biological assessments that are prepared for the National Marine Fisheries Service." Nowhere in the purpose of the IL does it say that it is intended to set design standards or rules. In fact, Section 7 on page seven specifically says the "140% mitigation ratio... is not intended as a design objective". The only part of the IL with design implications can be found in Section 5 on page seven where it states that "On an interim basis, the factor of safety for sizing detention ponds and vaults shall be increased by 10% in *Evolutionarily Significant Unit* and *Distinct Population Segment* areas."

The criteria in the IL, including treatment of 140% of new impervious within the project limits, documents an agreement with NMFS regarding stormwater effect determinations. It was intended to clarify expectations by which a project would be evaluated. The criteria have been interpreted as a design standard. The design 'standards' are actually found in the Highway Runoff Manual (HRM) Section 2.5, local ordinances if they are more stringent, and in the case of the Olympic Region -- the OR Hydraulics Policy (<a href="http://www.wsdot.wa.gov/regions/olympic/environ/Hyd Policy March 2001.pdf">http://www.wsdot.wa.gov/regions/olympic/environ/Hyd Policy March 2001.pdf</a>).

The HRM requires that DOT treat 100% of new impervious area and consider treatment for all existing impervious to the fullest extent practicable\*. This may result in only 100% of new

impervious area being treated, or it may result in higher levels of treatment. The issue of considering 140% as a design standard or goal is that the opportunity to retrofit beyond that 140% may not be considered. In summary, we should use the IL to support biological effect determinations and the HRM to provide appropriate design guidance.

For more information contact Carl Ward or Ken Stone at (360) 357- 2716/ <u>wardc@wsdot.wa.gov</u> or 357- 2660/<u>stonek@wsdot.wa.gov</u>, respectively.

\*More information on practicability, currently undergoing internal review, will become available in the near future.

\*Further discussion on stormwater will occur at the Rapid Response Advisory Committee on Friday, May 4, 2001 and at the Project Development Engineers meeting in Wenatchee, WA later this month.

For more information on practicability or further stormwater discussion, contact Shari Schaftlein at (360) 705-7446 or <a href="mailto:sschaft@wsdot.wa.gov">sschaft@wsdot.wa.gov</a>.

### **WDFW Has New Online Fish and Wildlife Science Magazine**

The Washington State Department of Fish and Wildlife has a new online magazine featuring recent developments in wildlife research. Stories in the first issue include the status of bottomfish in marine refuges, a 5-year study of Mule deer underway in Eastern WA, and research on native bats. The magazine also features access to scientific research papers prepared by WDFW staff and the opportunity to learn about and communicate with WDFW staff. The magazine is only available in electronic format at the following address: <a href="http://www.wa.gov/wdfw/science/index.html">http://www.wa.gov/wdfw/science/index.html</a>

### Meetings Held

# Interagency Programmatic Meeting held on April 23, 2001

In an effort to develop interagency streamlining opportunities for increased project delivery and predictability with simultaneous environmental benefit, the following agencies gathered on April 24, 2001 to discuss opportunities for the shared development of programmatic biological assessments (PBAs):

National Marine Fisheries Service (NMFS)
Washington State Department of Transportation (WSDOT)
Army Corps of Engineers (Corps)
United States Fish and Wildlife Service (USFWS)
Washington State Department of Ecology (Ecology)
Washington State Ferries (WSF)

The meeting focused on finding common grounds between all of the various relative documents brought to the meeting by each agency and discussing ways to collaborate. For more information contact Marion Carey at (360) 705-7404 or <a href="mailto:careym@wsdot.wa.gov">careym@wsdot.wa.gov</a>.

# **39** JCAG Hosts a Guidance on Watershed Assessment Meeting

Paul Pickett, representing WSDOT, attended a meeting sponsored by the Joint Cabinet Assistants Group (JCAG) entitled "Guidance on Watershed Assessment for Salmon". The meeting provided an overview of a Salmon Assessment Guidance document prepared by the group. JCAG's goal is for the guidance to be a "State" document with buy-in from all agencies occurring at the Cabinet level.

This document is the result of several drafts and levels of review, and Watershed Program staff will continue to review drafts and monitor the process.

Following are the next steps for this process:

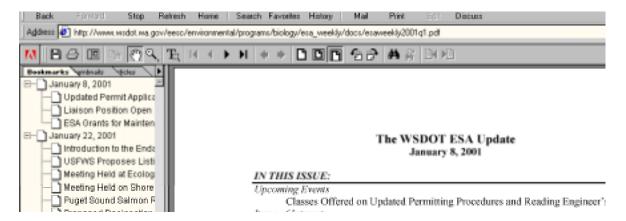
- "Policy Red Flag" review with comments back by 12PM, Monday, Apr 30
- Revise guidance to address policy concerns by Wednesday, May 3
- Present to Lead Entity group for their buy-in
- Get Cabinet's stamp of approval at May 8th meeting
- Present to Salmon Recovery Funding Board (SRFB) on May 23. SRFB will probably put it out for public comment and then act on it at their June meeting.

A summary of project types (Part III of the guidance) was discussed at the meeting. The summary will be revised so it is consistent with other efforts, such as the SRFB project list.

JCAG expressed some frustration regarding the National Marine Fisheries Service (NMFS) and ESA compliance issues. This was apparently due to difficulties getting clear and timely guidance from NMFS. The recently passed Watershed Monitoring Bill was also discussed. The next JCAG meeting, on May 1, will look at a WDFW monitoring proposal that the group hopes to take to the Cabinet. NMFS has called a meeting this Friday April 27th at Sawyer Hall 2-4 pm, also to discuss monitoring. NMFS will present their monitoring proposal and JCAG will present their perspective and desire for federal/ state alignment. For further information contact Paul Pickett at picketp@wsdot.wa.gov or (360) 705-7493.

# **\*\* H&LP Environmental Issues Committee Informed of Recent Changes in Stormwater Guidance**

On April 19<sup>th</sup>, Shari Schaftlein met with a number of local agency representatives to discuss the recent changes in stormwater guidance and direction. Shari presented and discussed a number of topics related to stormwater, including recent discussions with NMFS and the Flow Control Effects Matrix along with other associated guidance recently developed by WSDOT. For more information on the Flow Control Effects Matrix see the March 19<sup>th</sup> ESA Update available online at: <a href="http://www.wsdot.wa.gov/eesc/environmental/programs/biology/esa\_weekly/docs/esaweekly2001q1.p">http://www.wsdot.wa.gov/eesc/environmental/programs/biology/esa\_weekly/docs/esaweekly2001q1.p</a> df (use bookmarks as shown below):



The discussion was a part of Highways & Local Programs (H&LP) monthly Environmental Issues Committee meetings. The committee is comprised of city and county representatives and meets on a monthly basis to discuss current and future environmental issues, seek feedback, and identify

training/educational needs. For more information, please contact Brian Hasselbach, H&LP, at 360-705-6975 or <a href="https://hasselb@wsdot.wa.gov">hasselb@wsdot.wa.gov</a>.

### **Meeting Held Regarding Eastern WA Stormwater Manual Contract**

WSDOT held a preliminary meeting last week to coordinate an Eastern Washington stormwater summit and address the development of a stormwater manual designed specifically for Eastern Washington. David Evans and Associates are preparing an agenda and work plan for the summit, scheduled for June 5, 2001. The focus of the summit will be finalizing phase 2 of the National Pollutant Discharge Elimination System (NPDES) permit for the Department of Ecology (DOE). WSDOT's attendance will be to focus on the Eastern WA stormwater manual.

WSDOT is currently attempting to determine whether or not the Spokane County Stormwater Manual can be used as a basis for development of the proposed E WA stormwater manual. Participants will need to determine if the Eastern WA manual should be focused strictly on meeting NPDES phase 2 minimum requirements. Another WSDOT/ DOE meeting is tentatively set for May 22, 2001. For further information contact Ed Molash at: molashe@wsdot.wa.gov or (360) 705-7007.

Below is a brief tally of the current status for the Biological Assessments (BA) of various projects submitted since April 1999:

A.	Total Number of WSDOT Projects Submitted to NMFS:	567
	Total given concurrence:	152
	Number of "No Effect" Projects (No NMFS Concurrence Required):	313
	Projects in Review/Pending Review or Additional Information:	091
	Formal BAs:	011
	1. Total Individual WSDOT BAs Submitted	464
	BAs with Concurrence:	108
	Projects in Review:	18
	Projects Pending Review:	31
	Projects Waiting for Additional Information:	23
	"No Effect" Projects:	273
	Formal BAs Pending Additional Information:	6
	Formal BAs Pending NFMS Review:	5
	2. Total WSDOT 7(d) Projects Submitted to NMFS:	62
	Projects with Concurrence:	36
	Projects in Review:	6
	Projects Pending Review:	1
	Projects Waiting for Additional Information:	3
	"No Effect" Projects on the 7(d) list:	16
	3. Total # of WSDOT Projects in the three Batched Paver BAs Submitted:	26
	Projects with Concurrence:	2
	"No Effect" Projects in the Batched Paver BA Submitted:	24
	4. Total # of Projects in the Batched Bridge Scour BA In Review	15
	Projects with Concurrence:	6
	Projects Pending Review:	9
	"No Effect" Projects on the Batched Bridge Scour BA:	0
B.	Total Highways and Local Programs Projects:	500
	"No Effect" Projects (no NMFS Concurrence required):	378
	Projects with NMFS Concurrence (NLTA or Adversely Effect):	76
	Projects in Review at NMFS:	38
	Projects in Formal Consultation:	8
	BA Reviews Waiting for Additional Information	0
C. T	Cotal Washington State Ferry Project BAs Submitted	21
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Visit <a href="http://www.wsdot.wa.gov/eesc/environmental/programs/biology/esa">http://www.wsdot.wa.gov/eesc/environmental/programs/biology/esa</a> weekly/esaweekly.htm for an on-line copy of WSDOT's ESA Update. Contact Noah Herlocker at 360-705-7488 or Leni Oman at 360-705-7477 with questions, comments, concerns, or to submit information for inclusion in this newsletter.

# Washington State Department of Transportation ESA Update May 14, 2001

#### IN THIS ISSUE:

#### Items of Interest

- Indirect Effects Guidance Available
- New Online Program offers Virtual Hydrology Basics

#### Meetings Held

• Northwest Environmental Streamlining and Transportation Forum Held

Transportation Project Delivery Status

### Items of Interest

#### **Indirect Effects Guidance Available**

In collaboration with the National Marine Fisheries Service, the Office of Community Development, and Regional Transportation Planning Organizations, WSDOT has been developing guidance to be used for biological assessment (BA) determinations regarding the indirect effects of a transportation project as required under the ESA. The guidance is a 12-page document featuring background information, and a step-by-step key to use in developing or reviewing BAs. The final version of the document accompanies this Update.

The issue of including indirect effects in a biological assessment has resulted in some frustration due to the intangible nature of these effects. By partnering on the development of this guidance, WSDOT has an understanding with NMFS on how the indirect effects of a transportation project will be assessed. By following this guidance, WSDOT biologists can expect fewer requests for additional information on a BA. For further information on the Indirect Effects Guidance contact Paul Wagner at (360) 705-7406 or wagnerp@wsdot.wa.gov.

### New Online Program offers Virtual Hydrology Basics

Hydrology is fundamental to the complete understanding of fish habitat and, thereby, helpful in understanding the broad implications of the ESA. For anyone who is interested in understanding subjects such as river discharge, flooding, and flood frequency, there is now an online, interactive program aimed at conveying these lessons in a fun way. The project, entitled *Virtual River*, was funded through grants from the U.S. National Science Foundation and the California State University System. The website offers two separate exercises: "River Discharge" and "River Flooding". WSDOT wishes to thank the developers of this informative and interesting resource. Virtual River can be accessed at: http://vcourseware5.calstatela.edu/VirtualRiver/index.html

# Meetings Held

# Northwest Environmental Streamlining and Transportation Forum Held

On May 10, 2001 Washington, Oregon, Idaho, and Montana State departments of Transportation met, together with representatives of the following federal agencies, to discuss environmental streamlining in the context of transportation:

United States Department of Transportation Federal Transit Administration Federal Highways Administration United States Department of Fish and Wildlife National Marine Fisheries Service Environmental Protection Agency United States Forest Service Western Federal Lands Highway Division

These federal agencies gave a shared overview of environmental streamlining at the federal level. Throughout the rest of the day, each state transportation department offered individual or shared input on subjects such as early involvement of resource agencies, performance measures, benchmarks, goals, or indicators. The forum culminated with a roundtable on each agency's streamlining highlights and needs for regional action. For more information on this forum contact Leni Oman at (360) 705-7477 or omanl@wsdot.wa.gov.

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# Washington State Department of Transportation ESA Update May 29, 2001

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# Items of Interest

# **Aquatic Herbicide Permit Renewed**

Effective May 3, 2001 Ecology granted renewal of a one year water quality permit for the use of herbicides to control noxious and non-noxious weeds on WSDOT properties and projects within the state of Washington. The renewed permit contains the same standard conditions as the previous permit. These conditions include:

- 1. Notification to Ecology prior to application of the material
- 2. Document use by completing application records
- 3. Compliance with identified chemical requirements
- 4. Timing requirements for application of material
- 5. Public notice and posting requirements prior to application of material

To receive a copy of the permit or to obtain more detailed information regarding this general water quality permit please contact Gregor Myhr (360)-705-7487 or

# NPDES Hearing Will Likely be Held in September Rather than June

The date of the suit challenging issuance of the National Pollutant Discharge Elimination System (NPDES) baseline construction permit by 5 environmental groups will most likely be moved. The Pollution Control Hearings Board will now likely hear it in September rather than June as was originally anticipated. WSDOT and the Association of Washington Businesses have intervened in the suit on behalf of the Department of Ecology. For more history on this case please refer to ESA update 3/19- available online at:

http://www.wsdot.wa.gov/eesc/environmental/programs/biology/esa\_weekly/docs/esaweekly2001q1.pdf

#### 🖥 New ESA Project Priority Database Scheduled for Deployment on June 6, 2001

Accompanying this update is what is scheduled to be the last ESA matrix arriving via email in Excel®. The new ESA database in Access® will use the information contained in the accompanying matrix to be populated. The updated database will then be scheduled for deployment on the WSDOT intranet server for June 6, 2001. At that time, those who will be using the database need to work with their workstation support people to get the system onto their workstations. It is hoped that those who will be updating the system will, by that time, be comfortable enough with the new database to begin using it. This will allow some time to get comfortable with the new system before the first updates will be sent to NMFS. We will try to maintain the same schedule during the

crossover. NMFS should, therefore, expect the first updates to their database on Monday, June 11, 2001.

Please address questions and comments to Noah Herlocker at (360) 705-7488 or <a href="herlocn@wsdot.wa.gov">herlocn@wsdot.wa.gov</a>. Please note, Noah will be training and out of the office until Thursday, June 7, 2001so use voice mail if you have urgent issues.

Below is a brief tally of the current status for the Biological Assessments (BA) of various projects submitted since April 1999:

A.	Total Number of WSDOT Projects Submitted to NMFS:	585
	Total given concurrence:	157
	Number of "No Effect" Projects (No NMFS Concurrence Required):	318
	Projects in Review/Pending Review or Additional Information:	099
	Formal BAs:	011
	1. Total Individual WSDOT BAs Submitted	482
	BAs with Concurrence:	113
	Projects in Review:	22
	Projects Pending Review:	34
	Projects Waiting for Additional Information:	24
	"No Effect" Projects:	278
	Formal BAs Pending Additional Information:	6
	Formal BAs Pending NFMS Review:	5
	2. Total WSDOT 7(d) Projects Submitted to NMFS:	62
	Projects with Concurrence:	36
	Projects in Review:	6
	Projects Pending Review:	1
	Projects Waiting for Additional Information:	3
	"No Effect" Projects on the 7(d) list:	16
	3. Total # of WSDOT Projects in the three Batched Paver BAs Submitted:	26
	Projects with Concurrence:	2
	"No Effect" Projects in the Batched Paver BA Submitted:	24
	4. Total # of Projects in the Batched Bridge Scour BA In Review	15
	Projects with Concurrence:	6
	Projects Pending Review:	9
	"No Effect" Projects on the Batched Bridge Scour BA:	0
В.	Total Highways and Local Programs Projects:	500
	"No Effect" Projects (no NMFS Concurrence required):	378
	Projects with NMFS Concurrence (NLTA or Adversely Effect):	76
	Projects in Review at NMFS:	38
	Projects in Formal Consultation:	8
	BA Reviews Waiting for Additional Information	0
C.	Total Washington State Ferry Project BAs Submitted	39
	"No Effect" Projects (no NMFS Concurrence required):	11
	Projects with NMFS Concurrence (NLTA or Adversely Effect):	25
	Projects in Review at NMFS:	3
	Projects Pending review	0
	Projects in Formal Consultation:	0

Visit <a href="http://www.wsdot.wa.gov/eesc/environmental/programs/biology/esa-weekly/esaweekly.htm">http://www.wsdot.wa.gov/eesc/environmental/programs/biology/esa-weekly/esaweekly.htm</a> for an on-line copy of WSDOT's ESA Update. Contact Noah Herlocker at 360-705-7488 or Leni Oman at 360-705-7477 with questions, comments, concerns, or to submit information for inclusion in this newsletter.

# Washington State Department of Transportation ESA Update June 11, 2001

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#### Items of Interest

- Army Corps Seeks to Relax Wetland Rules
- New ESA Project Priority/ Concurrence Tracking Database Officially Replaces Excel Spreadsheet

#### Trainings Held

• SW, SC, NC, E Regions and Ferries Main Contacts for the ESA Matrix Trained

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### Marmy Corps Seeks to Relax Wetland Rules

The Army Corps of Engineers is trying to relax a series of year-old rules designed to restrict development and degradation of thousands of streams and other wetlands, angering environmentalists and drawing sharp criticism from other federal agencies. Last spring, the Corps won praise from conservationists -- and provoked a lawsuit by the nation's home builders -- by making it much harder for developers to secure "general" permits to drain or fill wetlands, forcing them to seek more onerous "individual" permits for all but the least intrusive projects. But now the Corps has proposed more than a dozen measures that would roll back some of the stricter mandates, while giving the agency much more flexibility to decide who needs the tougher permits on a case-by-case basis. For further information see the article from which this story was extracted. The 6/4/2001 edition of the Washington Post is available online at: http://washingtonpost.com/wp-dyn/articles/A16798-2001Jun3.html

# New ESA Project Priority/ Concurrence Tracking Database Officially Replaces Excel Spreadsheet

As you may have noticed, this update is no longer accompanied by an Excel spreadsheet titled "ESA Matrix". That information is now available in a new format. Over the past 6 months the Environmental Affairs Office has worked with WSDOT's Information Technology Office to create a database capable of offering the same information as that found in the old Excel matrix with the addition of a number of tools and options made to make the database more user-friendly, timely, and ultimately more useful as the agency looks to the future of permit tracking. These tools include a query tool so that users can isolate only that information that they have an interest in and a report generating tool that enables users to produce formal project reports or reports based on any of the lists contained within the database (such as a list of all endangered species currently observed by WSDOT). The new database automatically archives projects that have received concurrence and have past their AD date by three months. This tool, in addition to the project managers' abilities to self-archive projects, reduces the amount of project information that users will have to look through when using the system.

All updates to the new database will be visible by all persons with the database downloaded to their desktops and access to the WSDOT intranet as those updates are entered into the system. If you

were identified as a user of the database, you should be able to find the system on your start menu under: "Programs> DOT applications> ESA Matrix". If you are unable to find the database please see contact information at the bottom of this article.

For those not on the WSDOT intranet who wish to have access to project information, updates will be posted on the web in a format similar to the old Excel spreadsheet but categorized by region, HLP, and WSF to address specific data needs. Please allow two weeks for this process to become implemented. The next ESA Update will feature information on where to go for these postings on the web.

Updates will be emailed biweekly to NMFS and USFWS on a schedule matching that which is currently used (every other Monday synchronous with this update). The first data updates from WSDOT will be sent on Wednesday, June 13- two days after the regular date- to allow time for users to become familiar with the system. Thereafter, it is advised that project managers make note of the schedule so as to make time for project updates by the Friday before the data is sent to the resource agencies.

WSDOT project managers and environmental staff that will be updating the database need to be aware that USFWS will now be actively using the new database to monitor project priorities. All projects involving USFWS, therefore, need to be entered into the database for consideration by that agency. At this time WSDOT is working with USFWS to enable the system on their workstations and anticipate functionality before Monday, June 25- the next scheduled date for NMFS and USFWS to receive data updates from WSDOT.

User documentation for the new database is being developed at this time and should be available by June 22, 2001.

For more information about the new database including its use, capabilities, or for issues of coordination or administration, please contact Noah Herlocker at (360) 705-7488 or <a href="herlocker@wsdot.wa.gov">herlocn@wsdot.wa.gov</a>.

For difficulties finding or connecting to the program please first see your technical support specialist. If they are unaware of how to enable the system please send their name and contact information, along with a brief explanation of the problem to Thelma Smith at <a href="mailto:smithth@wsdot.wa.gov">smithth@wsdot.wa.gov</a>.

# Trainings Held

# 🐞 SW, SC, NC, E Regions and Ferries Main Contacts for the ESA Matrix Trained

Over the last few weeks those people at the regional headquarters and WSF, identified as the main points of contact for the ESA Project Priority Database (matrix), were contacted and trained for use on the new system with the exclusion of the Northwest and Olympic Region contacts as they were involved in the testing of the system already. The official points of contact at this point are:

Northwest Region - Steve Olling Olympic Region- Ron Landon Southwest Region - Becky Michaliszyn Sout Central Region- Phil Wells North Central Region- Paul Kingsley

#### Eastern Region - Ray Thompson

Please see these people in your region for questions regarding use and function of the new database. For training needs or to make administrative changes please contact Noah Herlocker at (360) 705-7488 or herlocn@wsdot.wa.gov.

### Transportation Project Delivery Status

Editor's Note: This report will soon be produced and available in the new ESA Project Priority Database. The process for generating this report was developed but needed updating prior to installment with the current database (version 1.1). The next ESA Update is scheduled to feature this updated report. Apologies for any inconvenience this edition's absence may pose on immediate needs. If this information is crucial please contact Noah Herlocker (360) 705-7488 or herlocn@wsdot.wa.gov.

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